

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EXONHIT THERAPEUTICS S.A. and
EXONHIT THERAPEUTICS, INC.,

Plaintiffs,

v.

JIVAN BIOLOGICS, INC.,

Defendant.

ORDER

07-mc-1427-slc

A quick, efficient denouement has eluded the parties following my May 1, 2008 order, so further court action is necessary to obtain closure. Having read both sides' recent reports to the court, it is ORDERED that:

(1) Compliance with this subpoena shall not be stayed during reexamination of the '571 patent;

(2) Exonhit shall pay the full cost of collection of documents by Nimblegen's preferred vendor; and

(3) Nimblegen shall bear its own attorney fees and expenses incurred during privilege review and other matters associated subpoena compliance.

Entered this 7th day of August, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge